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U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOV 19 2009

LONG ISLAND OFFICE

09-1145M

UNITED STATES OF AMERICA

COMPLAINT

- against -

FRANK T. POLLARO,

M. No. _____
(18 U.S.C. § 2252(a)(2))

Defendant.

-X

EASTERN DISTRICT OF NEW YORK, SS.:

Gerald Handley, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("DHS/ICE"), duly appointed according to law and acting as such.

On or about and between February 6, 2008 and November 19, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FRANK T. POLLARO did knowingly and intentionally receive visual depictions using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, shipped and transported in and affecting interstate and foreign commerce, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my

belief are as follows:¹

1. I have been a Special Agent with DHS/ICE since 2003 and am currently assigned to the Long Island Assistant Special Agent-in-Charge Office. As part of my duties, I am assigned to investigate violations of federal law, including the trafficking of child pornography. I have conducted a number conduct of such investigations including the execution of search warrants and consensual searches, including those relating to child pornography offenses. In addition, I have consulted with other ICE Agents and law enforcement personnel who have extensive training and experience in child sexual exploitation investigations and computer forensics. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE TEXAS INVESTIGATION

3. In or about May 2008, DHS/ICE agents located in Texas executed four search warrants on AOL LLC ("AOL") e-mail

¹ Because the purpose of this complaint and affidavit are merely to establish probable cause to arrest and search, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

accounts associated with an individual located in Katy, Texas. Based upon those search warrants, agents were able to identify more than one hundred e-mail accounts which were used to send and receive child pornography, including the AOL e-mail account "pollar07@aol.com."

4. Based upon records received from AOL, this e-mail originated from the residence of defendant FRANK T. POLLARO, located in Babylon, New York.

THE SEARCH OF DEFENDANT'S RESIDENCE

5. On November 19, 2009, I and other law enforcement personnel interviewed the defendant FRANK T. POLLARO at his residence. POLLARO consented in writing to the search and seizure of a Dell XPS laptop, a Dell computer processing unit and other computer-related items. POLLARO also made oral statements, following waiver of his Miranda rights, in which he admitted, in sum and substance and in relevant part, that he had been involved in trading (sending and receiving) child pornography for over five years, he had previously used the e-mail address "pollar07@aol.com," he visited chat rooms and talked to underage girls in order to get them to send him pictures, he used Limewire (a file-sharing program) to trade pictures, he had looked at child pornography as recently as last week, he saved images and videos and sometimes deleted child pornography pictures because they were illegal and he had lost interest, he conducted google searches including "teen-something" seeking some illegal material, he was aroused by and masturbated to images of underage girls and he

considered child pornography to be anything under age 18. Although defendant POLLARO initially indicated that he had sent and received approximately 100 pictures (half of which were girls under age 18), he subsequently estimated that he had sent and received approximately 500 such images and videos.

6. A partial preliminary computer forensic examination of the computer equipment found in defendant FRANK T. POLLARO's residence has been conducted which revealed a number of video files of apparent child pornography involving prepubescent girls. These images, which are available for the Court's inspection, include:

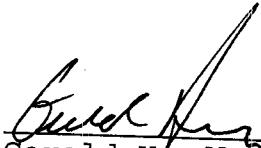
a. T-207710861-Hc Vim04 - Babysitter And Girl 8Yo - 10Yo Having Sex With Older Sister (Anal Toys!!) Incest - Pedo Mom Helps Dad Fuck His Tiny Daughter(B) (Pthc - 20m15S).mpg: A video file approximately one minute and forty-six seconds long which appears to depict a minor female between the ages of 8 to 10 years' old, being undressed by and touched by an older nude female.

b. T-34336776-Teen - Best Vicky BJ & Handjob with sound (r@ygold pedo reelkiddymov underage illegal lolita daughter incest xxx oral handjob).mpg: A video file approximately twelve seconds long which appears to depict a minor female between the ages of 11 to 12 years' old, performing oral sex on an adult male. Based upon the title, this video appears to be of a known victim

*9/09
ETB/MJ*

who has been identified by law enforcement.

WHEREFORE, Your affiant also respectfully requests that the defendant FRANK T. POLLARO be dealt with according to law.


Gerald Handley
Special Agent - DHS/ICE

Sworn to before me this
19th day of November, 2009

E. THOMAS BOYLE, MJ

THE HONORABLE E. THOMAS BOYLE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK